

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

SAILOR MUSIC, et al.,

Plaintiffs,

vs.

TWISTER'S IRON HORSE SALOON,
L.C., et al.,

Defendants.

Case No. 4:10-CV-01110-AGF

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' Motion for Revival of Judgment, (ECF No. 69), and Plaintiffs' Motion for hearing. (ECF No. 70). On August 3, 2011, the Court entered a Default Judgment in favor of Plaintiffs and against Defendant Douglas Walker in the amount of \$41,231.90, together with interest. (ECF No. 46). As of today's date, the Judgment remains unsatisfied.

Pursuant to Mo. R. Civ. P. 74.09, Plaintiffs ask this Court to issue a show cause order as to why the Judgment against Defendant Douglas Walker should not be revived:

Upon the filing of a motion of revival of a judgment, an order shall issue to the judgment debtor to show cause on a day certain why such judgment should not be revived. The order to show cause shall be served pursuant to Rule 54 on the judgment debtor, his successors in interest, or his legal representatives.

Mo. R. Civ. P. 74.09(b). The Court will order Defendant to show cause why the Judgment should not be revived. Service must be made pursuant to Mo. R. Civ. P. 54.

See Mo. R. Civ. P. 74.09(b).


Plaintiffs also move for a hearing upon their motion for Revival of Judgment. Plaintiffs have not shown that a hearing upon the motion is necessary at this time. As such, the Court will deny the motion without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Defendant Douglas Walker shall show cause **in writing filed in this case** no later than **August 23, 2021** why the August 3, 2011 Judgment should not be revived pursuant to Mo. R. Civ. P. 74.09.

IT IS FURTHER ORDERED that Plaintiffs shall serve a copy of this Show Cause Order to Defendant as required under Mo. R. Civ. P. 74.09 and 54 and shall file proof of such service with the Court.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Hearing is **DENIED without prejudice.** (ECF No. 70).



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of July 2021.